

CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT

June 14, 2004

SUBJECT:

Variance Application APP2004-00828

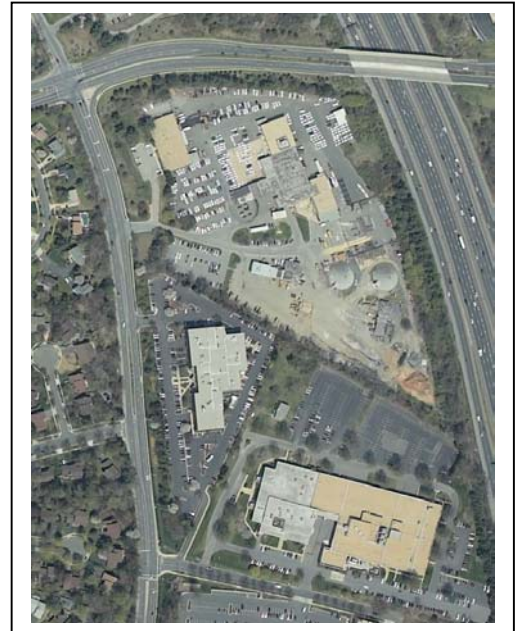
Applicant: Michael Lowe
Montgomery County Department of Public Works
and Transportation
101 Monroe Street
9th Floor
Rockville, MD- 20744

Property

Location: 1283 Seven Locks Road, Rockville, Maryland 20850

Planning Commission Review Date: June 23, 2004

Board of Appeals Public Hearing Date: July 10, 2004



PREVIOUS RELATED ACTION:

- Use Permit USE85-00336, Montgomery County Government, a request to construct two parking lots on an existing Montgomery County maintenance facility; Approved by the Planning Commission on 6/5/1985
- Use Permit USE84-00304, Montgomery County Government, a request to construct an addition to an existing Montgomery County maintenance facility; Approved by the Planning Commission on 4/4/1984
- Use Permit USE76-00049, Montgomery County Government, a request to construct a highway maintenance depot for the Transportation Department. Approved by the Planning Commission on 10/27/1976
- Use Permit USE76-00048, Montgomery County Government, a request to make additions to the maintenance garage on Seven Locks. Approved by the Planning Commission on 9/8/1976
- Use Permit USE75-00023, Montgomery County Government, a request to construct two storage buildings at existing Montgomery County maintenance facility. Approved by the Planning Commission on 1/7/1976
- Use Permit USE75-00004, Montgomery County Government, a request to expand the existing maintenance facility on Seven Locks Approved by the Planning Commission on 3/19/1975
- Use Permit USE72-00579, Montgomery County Government, a request for an addition to the existing Montgomery County maintenance facility. Approved by the Planning Commission on 9/20/1972

REQUEST:

The applicant wishes to construct a vehicle storage building on the referenced property for 50 vehicles and related equipment on the site. To develop the property as proposed the applicant submits the subject variance application in accordance with Sections 25-311 of the City of Rockville Zoning Ordinance. The applicant seeks a variance of 65 feet from the required 75-foot required side yard setback of the I-3 zone.

STAFF RECOMMENDATION:

Approval is recommended subject to the following conditions:

- The site must be developed in substantial accordance with the representations made in the subject application request and accompanying development proposal, or as maybe modified by the Board of Appeals in its grant of the subject application request.
- Trees removed to accommodate the construction of proposed site improvements must be replaced in accordance with requirements of the City's Forest and Tree Preservation Ordinance.
- Construction must meet the requirements of the city's construction codes, state of Maryland accessibility code, and federal American with Disabilities Act (ADA) requirements, and other applicable code and ordinance requirements.
- A Use Permit must be approved. Issues such as landscape screening of the new building from I-270 and the adjacent properties will be addressed at that time.
- The applicant must provide an affidavit of posting, affirming the subject property was properly posted during the time the application was pending.

ANALYSIS:

Property Description

The property subject to this application request is a wedge shaped lot, approximately 828,530 square feet in size. The property is bound by WoottonParkway to the north, Seven Locks Road to the west and Interstate 270 on the east. The subject site also abuts the Wheel of Fortune property, which is used for office buildings, on the southern portion of the site. The site is presently improved with multiple buildings, all related to the Montgomery County Department of Public Works and Transportation, Seven Locks Technical Center. At present, the Department's 36 trucks park along the fence line. The applicants wish to cover the vehicles and related equipment in an effort to guard them from weather and thereby slowing the rate of deterioration.

Application Request & Project Proposal

The applicant proposes multiple improvements to this site including a new salt dome and maintenance depot facility building, but it is only the construction of the vehicle storage facility that require approval through the variance process. The applicant wishes to construct this facility 10 feet from the side lot line instead of 75 feet as required. The applicant indicates that the age of the existing facility (approximately 40 years) significantly contribute to the deterioration of the vehicles as well as other equipment. As proposed the applicant will construct a masonry wall along the existing fence line and then install a metal shed roof to be utilized as a covering for the vehicles. The applicant further suggests that the masonry wall as proposed will act as a screen for the neighboring office buildings on the adjacent lots.

Applicable Section of the Zoning Ordinance & Staff Assessment

Section 25-1 of the ordinance defines a variance as “a modification only of the density, bulk, or area requirements, where owing to conditions unique to the property and not the result of any action taken by the applicant a literal enforcement of the ordinance would result in practical difficulty.”

After review and analysis of the application request and accompanying development proposal, staff offers the following assessment:

1. The variances as requested would not be contrary to the public interest.

The age of the existing structures contribute to safety issues as well as the deterioration of the vehicles and related equipment. The applicant proposes to construct a state of the art building that will protect the vehicles as well as the equipment used in their work. At the present time 36 trucks park along the fence line. There are also snowplows and metal lockers for truck equipment in the same area. The applicant's request will screen as well as protect the vehicles, which if not covered could continue to park along the fence creating an unsightly view from the adjacent office building. The applicant hopes that this will help make the County property a better neighbor. Therefore, granting of the requested variance would not be contrary to the public interest.

2. The variances are requested owing to conditions deemed peculiar to the property and not the result of any actions taken by the applicant. The triangular shape of the portion of the site available for this use creates operational constraints for the highway maintenance facility. Safe operation of a highway maintenance facility requires large open areas to accommodate the maneuvering of a wide variety of vehicles, in inclement weather and with limited visibility. To achieve this on this site requires the trucks to be parked on the perimeter of the site. The trucks may be parked along the perimeter of the site without a variance as long as they are not in an enclosure. The construction of a roof, side walls and rear walls to partially enclose the truck storage area screens the truck parking from neighboring office buildings (approximately 80 feet

away at the closest point) while reducing some of the truck noise. The roof also provides a safer working environment for the drivers.

3. A literal enforcement of the Zoning Ordinance would result in practical difficulty for the applicant. As the applicant states the County has limited land on which to service the residents of the County, but are obligated to maintain roads, plow snow, have supplies on hand when needed and protect their investment in vehicles and equipment. It is the position of the applicant that in order to achieve the goals of providing facilities for staff, protecting equipment and having space to stage work; all of the new facilities must be located at the perimeter of the site. Without the requested variance to permit the construction of the vehicle storage facility, as well as provide landscaping against the fence, the County would have to continue to park trucks and leave equipment exposed to the elements and the neighborhood. Based on all of the aforementioned factors, staff finds reasonable justification to recommend Variance Application APP2004-00828 be approved subject to the conditions referenced in this staff report.

COMMUNITY NOTIFICATION PROCESS

Notification cards were sent to 276 property owners within the subject site area, informing them of the application request and pending Planning Commission meeting and Board of Appeals public hearing, where the request will be publicly heard and considered. A list of addresses is contained in the project's application file for public review and inspection.

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List of Attachments:

Attachment A- Authorization Letter
Exhibit 1- Existing Site Plan
Exhibit 2- Proposed Site Plan
Exhibit 3- Covered Truck Parking Floor Plan